



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Abe Nishiki

Appeal No. _____

Serial No.: 10/687,748

Group Art Unit: 3734

Filed: 10/20/2003

Examiner: Blatt, Eric D.

For: **A PLIERS-LIKE TOOL AND PROCESS FOR CURING PHIMOSIS**

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RESPONSE TO EXAMINER'S ANSWER

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Members of the Board of Patent Appeals and Interferences:

This is a response to the Office Action mailed 08/17/2011.

The Examiners Answer mailed August 17, 2011, is stated to be in response to the appeal brief filed August 4, 2010. It is assumed that the brief referred to is the Second Reply Brief filed in response to the Examiner's Fifth New Grounds of Rejection mailed 06/08/2010 in response to the Reply Brief mailed 12/20/2008 filed in response to a Fourth New Grounds of rejection mailed 10/02/2008 in response to the Appeal Brief mailed 03/20/2008 filed in response to a Third New Grounds of rejection mailed 12/28/2007.

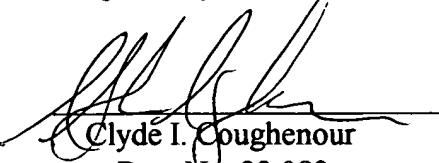
As understood, the Examiner has withdrawn all rejections addressed in the Second Reply Brief except for the 35 USC 102(e) rejection of claims 1,2 and 11 and the 35 USC 103 rejection of claims 3-5 and 12-16.

The 35 USC 102(e) and 35 USC 103 rejections are addressed in the Second Reply Brief wherein the structure and use of the present invention are not met or rendered obvious by the art of record and in particular the flat bent blade of Chang does not even come close to meeting the three dimensional structure of the claimed phimosis curer blade "hook" of parent claim 1 or its use.

It is noted that a Petition was filed concurrently with the Second Reply Brief on 06/08/2010, for the purpose of addressing the incompetent and protracted examination. The Petition was granted in part directing that the prosecution be concluded within 3 months of the Second Reply Brief filing. Since it has now been over eight years since this application was filed and over one year since the Petition was filed, and since the 35 USC 102 and 35 USC 103 rejections have been addressed it is respectfully requested that this Appeal be promptly reviewed.

Claims 1-5 and 6-11, now under consideration, are believed to contain patentable subject matter and to be in condition for allowance and it is respectfully requested that the 35 USC 102 and 35 USC 103 rejections be reversed.

Respectfully submitted



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